

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Anthony Bussie

v.

Civil No. 14-cv-97-JD

John Boehner et al.

REPORT AND RECOMMENDATION

On March 6, 2014, the court granted plaintiff Anthony Bussie's motion to proceed in forma pauperis in this action, pursuant to 28 U.S.C. § 1915(a). See Order (doc. no. 3). It subsequently came to the court's attention that Bussie is subject to the "three strikes" restriction set forth in 28 U.S.C. § 1915(g). See e.g., Bussie v. Boehner, No. 14-cv-161-LTB (D. Colo. Mar. 4, 2014) (listing three "strikes" Bussie has accrued, denying in forma pauperis status, and dismissing case without prejudice for failure to pay filing fee); Bussie v. N.J. State Public Law & Safety, No. 2:14-cv-971-PD (E.D. Pa. Feb. 21, 2014) (same); Bussie v. Andrew, No. 2:13-cv-2070-CLS-HGD (N.D. Ala. Dec. 12, 2013) (same).

Because Bussie is subject to a § 1915(g) "three strikes" filing restriction, his in forma pauperis application in this matter must be denied, unless he demonstrates that he is exposed to an "imminent danger of serious physical injury." See 28 U.S.C. § 1915(g). Bussie's complaint contains no facts that

demonstrate or suggest that he is presently in imminent danger of serious physical injury, and his request for in forma pauperis status should therefore have been denied.

Thus, the court, by separate order, has vacated its March 6, 2014, order granting Bussie in forma pauperis status (doc. no. 3). The undersigned magistrate judge also recommends that the district judge deny Bussie's in forma pauperis motion (doc. no. 2) and dismiss the case, without prejudice, after providing Bussie with thirty days to pay the filing fee in full.

Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).

/s/ Daniel J. Lynch
Daniel J. Lynch
United States Magistrate Judge

March 25, 2014
cc: Anthony Bussie, pro se

DJL:jba